

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Plaintiff,

- against -

J. RONALD TERWILLIGER, WILLIAM C.  
MACDONALD, JOSEPH S. TORG, AND CFP  
RESIDENTIAL, L.P.

Civil Case No.: 07cv8497 (DAB)

Defendants.

**NOTICE OF MOTION FOR ADMISSION PRO HAC VICE**

PLEASE TAKE NOTICE that, upon the Affirmation of Christopher J. Garvey, submitted  
herewith, the undersigned respectfully moves this Court for an Order pursuant to Rule 1.3(c) of  
the Local Rules of this Court, admitting Anthony M. Feeherry, Esq., Brian H. Mukherjee, Esq.  
and Ryan C. Posey, Esq. pro hac vice to the Bar of this Court for the purpose of representing  
Plaintiff The Prudential Insurance Company of America in the above-captioned proceeding.

Dated: October 23, 2007  
New York, New York

Respectfully submitted,

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

By its attorneys,

GOODWIN PROCTER LLP



Christopher J. Garvey (CG 3323)  
599 Lexington Avenue  
New York, New York 10022  
(212) 813-8800

-and-

Anthony M. Feeherry  
Brian H. Mukherjee  
Exchange Place  
Boston, Massachusetts 02109  
(617) 570-1000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X
THE PRUDENTIAL INSURANCE	:
COMPANY OF AMERICA,	:
	:
Plaintiff,	:
	:
v.	Case No.: 07cv8497 (DAB)
	:
J. RONALD TERWILLIGER, WILLIAM C.	:
MACDONALD, JOSEPH S. TORG,	:
AND CFP RESIDENTIAL, L.P.,	:
	:
Defendants.	:
-----	X

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
ss.:  
COUNTY OF NEW YORK )

Alexis D. Fernandez, being duly sworn, deposes and says that he is not a party to the within action, is over 21 years of age and resides in New York, New York.

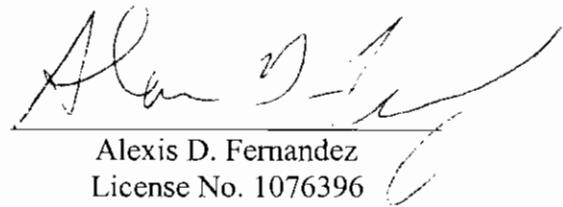
That on the 23<sup>rd</sup> day of October, 2007, deponent caused true copies of the annexed Notice of Motion for Admission Pro Hac to be served by first class mail, postage prepaid, upon the following parties:

J. Ronald Terwilliger  
Two Buckhead Plaza  
3050 Peachtree Road, NW, Suite 500  
Atlanta, GA 30305

Joseph S. Torg  
15 Old Danbury Road, Suite 100  
Wilton, CT 06897

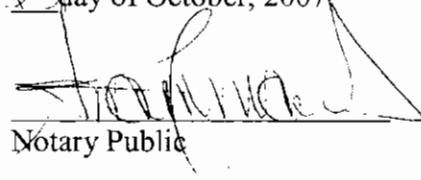
William C. MacDonald  
6110 Executive Blvd., Suite 315  
Rockville, MD 20852

CFP Residential, L.P.  
2100 McKinney Avenue, Suite 400  
Dallas, TX 75201



Alexis D. Fernandez  
License No. 1076396

Sworn to before me this  
25 day of October, 2007



Notary Public

**ANA M. MARTE**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**NO. 01MA5082099**  
**QUALIFIED IN BRONX COUNTY**  
**TERM EXPIRES JULY 21 2009**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Plaintiff,

- against -

J. RONALD TERWILLIGER, WILLIAM C.  
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RESIDENTIAL, L.P.

Civil Case No.: 07cv8497 (DAB)

Defendants.

**AFFIRMATION OF CHRISTOPHER J. GARVEY IN SUPPORT OF  
MOTION FOR ADMISSION PRO HAC VICE**

Christopher J. Garvey., being duly sworn, deposes and says:

1. I am a partner with the firm of Goodwin Procter LLP, attorneys for Plaintiff The Prudential Insurance Company of America in the above-captioned proceeding and a member in good standing of the Bar of this Court since 1994. I make this Affirmation in support of the Motion, pursuant to Rule 1.3(c) of the Local Rules of this Court, for admission of Anthony M. Feeherry, Esq., Brian H. Mukherjee, Esq. and Ryan C. Posey, Esq. to the Bar of this Court pro hac vice.

2. Mr. Feeherry is a partner with the firm of Goodwin Procter LLP, 53 State Street, Boston, Massachusetts, (617) 570-1390 (tel.), (617) 523-1231 (fax). He is a member in good standing of the Bar of the Commonwealth of Massachusetts. Mr. Feeherry is also admitted to practice in the United States Court of Appeals for the First, Second and Seventh Circuits and the United States District Court for the District of Massachusetts. Attached hereto as Exhibit 1 is a Certificate from the Supreme Judicial Court of the Commonwealth of Massachusetts Stating that

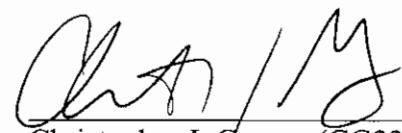
Mr. Feeherry is a member in good standing of the Bar of the Commonwealth of Massachusetts. There are no pending disciplinary proceedings against Mr. Feeherry in any State or Federal Court. Mr. Feeherry is familiar with the Federal Rules of Civil Procedure, the Federal Rules of Evidence and the Rules of this Court.

3. Mr. Mukherjee is an associate with the firm of Goodwin Procter LLP, 53 State Street, Boston, Massachusetts, (617) 570-1477 (tel.), (617) 523-1231 (fax). He is a member in good standing of the Bar of the Commonwealth of Massachusetts. Mr. Mukherjee is also admitted to practice in the United States District Court for the District of Massachusetts. Attached hereto as Exhibit 2 is a Certificate from the Supreme Judicial Court of the Commonwealth of Massachusetts Stating that Mr. Mukherjee is a member in good standing of the Bar of the Commonwealth of Massachusetts. There are no pending disciplinary proceedings against Mr. Mukherjee in any State or Federal Court. Mr. Mukherjee is familiar with the Federal Rules of Civil Procedure, the Federal Rules of Evidence and the Rules of this Court.

4. Mr. Posey is an associate with the firm of Goodwin Procter LLP, 53 State Street, Boston, Massachusetts, (617) 570-1871 (tel.), (617) 523-1231 (fax). He is a member in good standing of the Bar of the Commonwealth of Massachusetts. Attached hereto as Exhibit 3 is a Certificate from the Supreme Judicial Court of the Commonwealth of Massachusetts Stating that Mr. Posey is a member in good standing of the Bar of the Commonwealth of Massachusetts. There are no pending disciplinary proceedings against Mr. Posey in any State or Federal Court. Mr. Posey is familiar with the Federal Rules of Civil Procedure, the Federal Rules of Evidence and the Rules of this Court.

5. Accordingly, I respectfully request that Anthony M. Feeherry, Esq., Brian H. Mukherjee, Esq. and Ryan C. Posey, Esq. be admitted to the Bar of this Court pro hac vice for the purposes of representing Plaintiff The Prudential Insurance Company of America in the above-captioned proceeding.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of October, 2007.



Christopher J. Garvey (CG3323)

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

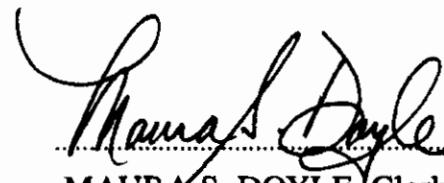
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **eleventh** day of **December** A.D. **1974**, said Court being the highest Court of Record in said Commonwealth:

Anthony M. Feeherry

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **eighteenth** day of **October** in the year of our Lord **two thousand and seven**.



  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

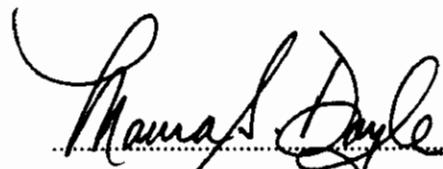
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston  
within and for said County of Suffolk, on the **fourteenth**  
day of **January** A.D. **2000**, said Court being the highest  
Court of Record in said Commonwealth:

**Brian Harvey Mukherjee**

being found duly qualified in that behalf, and having taken and subscribed  
the oaths required by law, was admitted to practice as an Attorney, and, by  
virtue thereof, as a Counsellor at Law, in any of the Courts of the said  
Commonwealth: that said Attorney is at present a member of the Bar, and  
is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the  
seal of said Court, this **eighteenth** day of **October**  
in the year of our Lord **two thousand and seven**.



  
**MAURA S. DOYLE, Clerk**

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**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

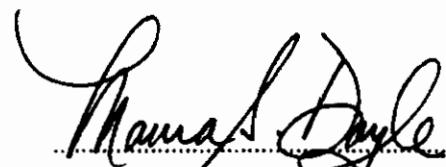
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **twenty-eighth** day of **November** A.D. **2006**, said Court being the highest Court of Record in said Commonwealth:

Ryan Posey

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **eighteenth** day of **October** in the year of our Lord **two thousand and seven**.



  
MAURA S. DOYLE, Clerk

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RESIDENTIAL, L.P.

Civil Case No.: 07cv8497 (DAB)

Defendants.

**[PROPOSED] ORDER ADMITTING COUNSEL *PRO HAC VICE***

Upon consideration of the Notice of Motion for Admission *Pro Hac Vice* of Anthony M. Feeherry, Esq., Brian H. Mukherjee, Esq. and Ryan C. Posey, Esq., dated October 23, 2007, and the accompanying Affirmation of Christopher J. Garvey, sworn to on October 23, 2007, it is hereby:

**ORDERED** that, pursuant to Local Civil Rule 1.3(c) of the Local Rules of this Court, Anthony M. Feeherry, Esq., Brian H. Mukherjee, Esq. and Ryan C. Posey, Esq., are hereby admitted *pro hac vice* to the Bar of this Court for the purpose of representing Plaintiff The Prudential Insurance Company of America in the above-captioned proceeding.

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United States District Judge

Dated: \_\_\_\_\_, 2007